

AMENDED IN ASSEMBLY MAY 8, 2013
AMENDED IN ASSEMBLY APRIL 25, 2013
AMENDED IN ASSEMBLY MARCH 19, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 275

Introduced by Assembly Member Alejo

February 11, 2013

An act to amend Sections ~~54440~~, 54441.5, 54442, 54443.1, 54444.1, 54444.2, 54444.3, and 54444.4 of, and to add Sections 54442.1, 54442.2, 54442.3, ~~54442.4~~, ~~54442.5~~, and 54444.6 to, the Education Code, relating to migrant education.

LEGISLATIVE COUNSEL’S DIGEST

AB 275, as amended, Alejo. Migrant education.

(1) Existing law requires the State Board of Education to adopt a state master plan for services to children identified as migrant children.

This bill would change references from “migrant child” to “migratory child,” and would require the state master plan to be developed and revised as necessary by the Superintendent of Public Instruction in consultation with the State Parent Advisory Council. The bill would specify additional ~~services and~~ elements that would be required as part of the plan, and would require the Superintendent to develop a monitoring instrument and procedure to annually monitor each local educational agency and region receiving funds for the provision of services to migratory children. The bill would set forth the primary objectives of the state’s monitoring activities, including, among others, improving educational results and outcomes for migratory children. The Superintendent would be required to periodically sponsor or conduct

~~workshops or seminars~~ *local training* for the education of regional ~~operating agency~~ personnel responsible for evaluation of migrant education ~~programs, and programs and for assisting regions and local educational agencies in the development and implementation of certain policies and procedures relating to the identification of certain youth for eligibility for migratory services and programs.~~ The bill would require the Superintendent to submit to the State Board of Education, the Legislature, and the Governor a triennial performance report of the migrant education programs. ~~The bill would require the Superintendent to develop a process to ensure that all migratory youth enrolled in juvenile court schools and other alternative education placements are properly identified and receive services for which they are eligible.~~

(2) Existing law requires migrant education programs to include certain components and services, including, among others, an assessment of the educational and health needs of each participating pupil.

~~This bill would require the collection and accessibility of regional service centers to collect and report to the State Department of Education individual and aggregate data with specified information relating to migratory pupils.~~

(3) Existing law requires the Superintendent to establish the service regional system as the primary method for delivery of services to migrant children, and requires the Superintendent to review and approve plans based on specified criteria.

~~This bill would include among that criteria a written evaluation plan that describes how an operating agency will measure annual pupil progress and overall success of its program. The bill would authorize the Superintendent to establish a regional directors' council comprised of project administrators from each of the operating agencies or directly funded school districts responsible for administering the migrant education program at the regional or district level.~~

(4) *Existing law requires the Superintendent to establish rules and regulations to require each operating agency receiving migrant education funds or services to actively solicit parental involvement in the planning, operation, and evaluation of its programs through the establishment of, and consultation with, a parent advisory council. Existing law further requires each parent advisory council to hold meetings on a regular basis during the operation of the regular program, but not less than six times during the year.*

This bill would instead require each parent advisory council to hold meetings on a regular basis during the operation of the regular program,

but not less than six times during the year for two consecutive days each time.

~~(4)~~

(5) Existing law requires the Superintendent to establish a State Parent Advisory Council and requires the council to ~~prepare and submit an annual report to the Legislature, the State Board of Education, and the Governor regarding the status of the migrant education program~~ *meet a minimum of 6 times per year.*

~~This bill would require the State Department of Education to provide necessary technical assistance and support in preparing the report and would require certain additional information to be included in the report~~ *instead require the council to meet a minimum of 9 times per year; would provide that additional meetings may be called by mutual agreement between the Superintendent and the state director; and would require all meetings of the council to be held pursuant to certain open meeting provisions.* The bill would also require the Superintendent, upon request and when practicable, to provide certain documents that the Superintendent is required to provide under existing law in a language understandable to each member of the council.

~~(5) Existing law requires each operating agency receiving certain federal migrant education funding to conduct summer school programs for eligible migrant children in accordance with specified requirements.~~

~~This bill would delete numerous requirements specified under those provisions.~~

(6) Existing law sets forth responsibilities of parent advisory councils at the district, regional, and state levels.

~~This bill would also include, as an additional responsibility, a review of aggregate data collected for migratory pupils, as specified~~ *revise one of those responsibilities.* The bill would require a local educational agency and region receiving funds for the provision of services to migratory children to include an evaluation of the overall program effectiveness for the prior year, *as provided.* ~~The bill would revise various findings and declarations relating to migrant education programs; and would make other conforming changes.~~

(7) This bill would make other related changes and various conforming and nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 54440 of the Education Code is amended~~
2 ~~to read:~~

3 ~~54440. The Legislature finds and declares all of the following:~~

4 ~~(a) A significant number of children under 18 years of age whose~~
5 ~~parents are migratory agricultural workers or migratory fishermen~~
6 ~~reside in California for at least a part of each year. These children,~~
7 ~~from among the least affluent segments of American society, tend~~
8 ~~to move frequently, attend school irregularly, and suffer health~~
9 ~~problems and language barriers. This results in many becoming~~
10 ~~early school dropouts, poorly prepared to enter the workforce or~~
11 ~~for academic success and upward social mobility.~~

12 ~~(b) The problems of children of migratory agricultural parents~~
13 ~~and of migratory fisherman parents are of such magnitude and~~
14 ~~severity that local school districts have been unable to solve them~~
15 ~~with the resources normally available. It is, therefore, necessary~~
16 ~~for the state to aid local school districts through regional~~
17 ~~coordinating offices and the provision of special programs of~~
18 ~~educational and related services for these children.~~

19 ~~(c) A recent audit completed by the State Auditor identified~~
20 ~~deficiencies in the evaluation and oversight by the State~~
21 ~~Department of Education of the implementation of programs for~~
22 ~~migratory children and identified the need for more comprehensive~~
23 ~~data regarding pupil achievement and success measures for those~~
24 ~~programs.~~

25 ~~SEC. 2.~~

26 ~~SECTION 1. Section 54441.5 of the Education Code is~~
27 ~~amended to read:~~

28 ~~54441.5. With the concurrence of the child's parent, a child~~
29 ~~who has been identified as a "migratory child" may be deemed a~~
30 ~~migratory child for a period, not in excess of three years, during~~
31 ~~which the child resides in an area where programs are provided~~
32 ~~for migratory children. Priority for the provision of services shall~~
33 ~~be consistent with federal statutes and regulations governing~~
34 ~~migrant education programs.~~

35 ~~SEC. 3.~~

36 ~~SEC. 2. Section 54442 of the Education Code is amended to~~
37 ~~read:~~

38 ~~54442. (a) The state board shall adopt a state master plan for~~
39 ~~services to migratory children. The plan shall be developed and~~
40 ~~revised as necessary by the Superintendent, in consultation with~~

the State Parent Advisory Council established pursuant to Section 54444.2. The plan shall include all of the following:

(1)

(a) Instructional activities on a regular and extended year basis. These activities shall be designed to identify, assess, and provide treatment for academic deficiencies of migratory children. Special emphasis shall be given to oral and written communication, reading, and mathematics. Small group or individual instruction and tutorial services shall be provided to assist migratory children to meet the same academic content and achievement standards that all children are expected to meet in all subject areas. All instructional services shall be provided as supplements to regular programs of instruction provided by the public schools for all children.

(2)

(b) Health and welfare services. These services shall be designed to identify, assess, and provide treatment for conditions that interfere with the education and learning of migratory children, including dental, emotional, or environmental conditions. To the extent possible, existing community resources shall be utilized to provide these services.

(3)

(c) Preservice and in-service education of professional and nonprofessional personnel. This education shall be planned to prepare school administrators, teachers, aides, and other personnel to meet the special needs of migratory children.

(4)

(d) Supportive services including transportation, family liaison, and other services necessary to the success of the programs.

(5)

(e) Child development activities including, but not limited to, social, sensorimotor, conceptual and language development, and perceptual discrimination activities for migratory infants and prekindergarten children who are too young to participate in instructional services normally provided by the public schools.

(6)

(f) The active involvement of migratory parents, teachers, schools, and community representatives in the local planning, implementation, and improvement of migrant education programs; ~~including, but not limited to, review of the data collected for~~

1 migratory pupils pursuant to paragraph (8) to monitor and evaluate
2 pupil progress and program effectiveness: *programs*.

3 ~~(7) Support services and technical assistance for members of~~
4 ~~the State Parent Advisory Council. The department shall ensure~~
5 ~~that members are provided with sufficient resources and supports~~
6 ~~to enable the State Parent Advisory Council to fulfill its statutory~~
7 ~~purpose and responsibilities.~~

8 ~~(8)~~

9 (g) An evaluation and monitoring component that specifically
10 provides for oversight and evaluation of the operating agencies,
11 school districts, and schools on a biannual basis by the department
12 to ensure that migrant education programs are effective and
13 operating in a manner consistent with federal statutes and
14 regulations. The department shall evaluate migrant education
15 programs using systematic, methodical, and sound evaluation
16 instruments designed to measure program implementation and
17 program results.

18 ~~(9) Collection of individual and aggregate data for migratory~~
19 ~~pupils to increase accountability for migratory pupil achievement~~
20 ~~and facilitate program evaluation. The department shall collect~~
21 ~~and make accessible to migrant regional directors data for~~
22 ~~migratory pupils regarding:~~

23 ~~(A) Identification and recruitment.~~

24 ~~(B) Preschool participation.~~

25 ~~(C) Enrollment in kindergarten and grades 1 to 12, inclusive.~~

26 ~~(D) Enrollment in alternative education programs by type of~~
27 ~~program, including, but not limited to, community schools,~~
28 ~~community day schools, continuation high schools, and juvenile~~
29 ~~court schools.~~

30 ~~(E) Participation in independent study and credit accrual~~
31 ~~programs.~~

32 ~~(F) Designation and redesignation of English learners.~~

33 ~~(G) Course enrollment, including, but not limited to, courses~~
34 ~~fulfilling A-G subject area requirements.~~

35 ~~(H) Suspension and expulsion.~~

36 ~~(I) Truancy and chronic absenteeism.~~

37 ~~(J) Referral to a school attendance review board.~~

38 ~~(K) Disciplinary transfer.~~

39 ~~(L) Retention.~~

40 ~~(M) Dropout.~~

1 ~~(N) California high school exit examination results.~~

2 ~~(O) Graduation.~~

3 ~~(P) Postsecondary education enrollment.~~

4 ~~(Q) Vocational program enrollment.~~

5 ~~(R) Other information deemed necessary by the Superintendent~~
6 ~~in consultation with the State Parent Advisory Council.~~

7 ~~(b) The department shall present the data in a format that is~~
8 ~~readily accessible to migratory parents, teachers, community~~
9 ~~representatives, and the regional director's council.~~

10 ~~SEC. 4.~~

11 ~~SEC. 3.~~ Section 54442.1 is added to the Education Code, to
12 read:

13 54442.1. (a) The Superintendent shall develop a monitoring
14 instrument and monitoring procedure that provides for annual
15 monitoring of each local educational agency and region receiving
16 funds for the provision of services to migratory children, and that
17 addresses each component identified in Section 54444.6 and all
18 federal requirements set forth under Section 6391 of Title 20 of
19 the United States Code and its corresponding regulatory provisions.
20 The monitoring procedure shall include onsite monitoring of each
21 operating agency receiving migrant education funds ~~at least every~~
22 ~~three years.~~

23 (b) *The primary objectives of the Superintendent's monitoring*
24 *activities pursuant to subdivision (a) shall include, but are not*
25 *limited to, all the following:*

26 (1) *Improving educational results and outcomes for all*
27 *migratory children.*

28 (2) *Ensuring that regional operating agencies, school districts,*
29 *and schools provide appropriate educational services to migratory*
30 *children in a manner that addresses their special needs, including*
31 *language access needs, in a coordinated and efficient manner.*

32 (3) *Ensuring that regional operating agencies, school districts,*
33 *and schools afford migratory pupils full and appropriate*
34 *opportunities to effectively participate in the general education*
35 *program and have access to courses needed to graduate.*

36 (4) *Identifying and addressing disproportionate discipline of*
37 *migratory pupils, migratory pupil enrollment in alternative*
38 *education programs, and migratory pupil participation in*
39 *independent study.*

1 ~~SEC. 5. Section 54442.2 is added to the Education Code, to read:~~
2 ~~54442.2. The primary objectives of the state's monitoring~~
3 ~~activities shall be the following:~~

4 ~~(a) Improving educational results and outcomes for all migratory~~
5 ~~children.~~

6 ~~(b) Ensuring that regional operating agencies, school districts,~~
7 ~~and schools provide appropriate educational services to migratory~~
8 ~~children in a manner that addresses their special needs, including~~
9 ~~language access needs, in a coordinated and efficient manner.~~

10 ~~(c) Ensuring that regional operating agencies, school districts,~~
11 ~~and schools afford migratory pupils full and appropriate~~
12 ~~opportunities to effectively participate in the general education~~
13 ~~program and have access to courses needed to graduate.~~

14 ~~(d) Identifying and addressing disproportionate discipline of~~
15 ~~migratory pupils, migratory pupil enrollment in alternative~~
16 ~~education programs, and migratory pupil participation in~~
17 ~~independent study.~~

18 ~~SEC. 6.~~

19 ~~SEC. 4. Section 54442.3~~ 54442.2 is added to the Education
20 Code, to read:

21 ~~54442.3.~~

22 54442.2. The Superintendent shall periodically sponsor or
23 conduct workshops and seminars for the education of regional
24 operating agency personnel assigned to, and responsible for, the
25 evaluation of migrant education programs. *local training for both*
26 *of the following purposes:*

27 *(a) The education of regional operating agency personnel*
28 *assigned to, and responsible for, the evaluation of migrant*
29 *education programs.*

30 *(b) Assisting regions and local educational agencies in the*
31 *development and implementation of policies and procedures to*
32 *ensure that, at the time of transfer into juvenile court schools or*
33 *alternative educational placement, a youth who is not already*
34 *identified as a migratory youth is properly assessed to determine*
35 *his or her eligibility for migratory services and programs and,*
36 *once enrolled in these services or programs, to ensure that the*
37 *youth receives all the services to which he or she is eligible.*

38 ~~SEC. 7.~~

39 ~~SEC. 5. Section 54442.4~~ 54442.3 is added to the Education
40 Code, to read:

1 ~~54442.4.~~

2 54442.3. The Superintendent shall submit to the state board,
3 the Legislature, in accordance with Section 9795 of the
4 Government Code, and the Governor, a triennial performance
5 report of the migrant education programs.

6 ~~SEC. 8. Section 54442.5 is added to the Education Code, to~~
7 ~~read:~~

8 ~~54442.5. The Superintendent shall develop a process to ensure~~
9 ~~that all migratory youth enrolled in juvenile court schools and~~
10 ~~other alternative education placements under the department are~~
11 ~~properly identified and receive all the services to which they are~~
12 ~~eligible. The department shall work with regions and local~~
13 ~~educational agencies to develop policies and procedures to ensure~~
14 ~~that at the time of transfer and enrollment in these schools,~~
15 ~~migratory youth who are not already identified are properly~~
16 ~~assessed to determine if they are eligible for migratory services~~
17 ~~and programs.~~

18 ~~SEC. 9.~~

19 SEC. 6. Section 54443.1 of the Education Code is amended to
20 read:

21 54443.1. Migrant education programs shall include all of the
22 following:

23 (a) An individual assessment of the educational and relevant
24 health needs of each participating pupil within 30 days of
25 enrollment. This assessment shall include assessments concurrently
26 provided pursuant to compensatory education,
27 bilingual-crosscultural education, school improvement programs,
28 and other programs serving the pupil.

29 (b) A general needs assessment developed in compliance with
30 federal requirements summarizing the needs of the population to
31 be served.

32 (c) A comprehensive program to meet the educational, health,
33 and related needs of participating pupils that is supplemental to
34 the program that the operating agency is otherwise required to
35 provide. The program shall include, but need not be limited to, the
36 following:

37 (1) Academic instruction.

38 (2) Remedial and compensatory instruction.

39 (3) Bilingual and crosscultural instruction, which may include
40 supplemental language support services and programs specially

1 designed to meet the unique needs of indigenous migratory
2 children.

3 (4) Career technical instruction.

4 (5) Counseling and career education services.

5 (6) Preschool services in accordance with Section 54443.

6 (7) Other educational services that are not available in sufficient
7 quantity or quality to eligible migratory children.

8 (8) The acquisition of instructional materials and equipment
9 necessary to adequately provide the appropriate services.

10 (9) Other related services to meet the special identified needs
11 of eligible migratory children that are necessary to enable these
12 children to effectively participate in instructional services.

13 (10) The coordination and teaming of existing resources serving
14 migratory pupils, such as bilingual-crosscultural education, health
15 screening, and compensatory education.

16 (d) A brief individual learning plan listing the services to be
17 provided to each pupil shall be provided in writing or at a parent
18 conference to the parent or guardian of each participating pupil,
19 annually and each time the pupil moves to a new district or
20 experiences a change in school placement or educational program.

21 (e) Staffing and staff development plans and practices to meet
22 the needs of migratory pupils and implement the program.

23 (f) Parent and community involvement as specified in Section
24 54444.2.

25 (g) Evaluations that shall include annual pupil progress and
26 overall program effectiveness and quality control reports in
27 accordance with Section 54444.6.

28 (h) ~~(1) Collection and accessibility of~~ *Regional service centers*
29 *shall collect and report to the department* individual and aggregate
30 data for migratory pupils regarding all of the following:

31 (A) Identification and recruitment.

32 (B) Preschool participation.

33 (C) Enrollment in kindergarten and grades 1 to 12, inclusive.

34 (D) Enrollment in alternative education programs by type of
35 program, including, but not limited to, community schools,
36 community day schools, continuation high schools, and juvenile
37 court schools.

38 (E) Participation in independent study and credit accrual
39 programs.

40 (F) Designation and redesignation of English learners.

1 (G) Course enrollment, including, but not limited to, courses
2 fulfilling A-G subject area requirements.

3 (H) Suspension and expulsion.

4 (I) Truancy and chronic absenteeism.

5 (J) Referral to a school attendance review board.

6 (K) Disciplinary transfer.

7 (L) Retention.

8 (M) Dropout.

9 (N) California high school exit examination results.

10 (O) Graduation.

11 (P) Postsecondary education enrollment.

12 (Q) Vocational program enrollment.

13 (R) Other information deemed necessary by the Superintendent
14 in consultation with the State Parent Advisory Council.

15 (2) ~~Migrant education programs~~ *The department shall present*
16 *make the data available* in a format that is readily accessible to
17 migratory parents, teachers, and community representatives.

18 (i) School districts and other education agencies shall be eligible
19 to apply for funding to serve migratory pupils upon application to
20 their respective region, or, if they meet the criteria established in
21 subdivision (b) of Section 54444.1, to the department. Operating
22 agencies shall include in their application a description of how the
23 entities will coordinate the planning, budgeting, and operation of
24 the migrant education programs with the planning, budgeting, and
25 operation of other federal and state education programs addressing
26 the needs of the same or similar pupils of the operating agency.
27 The description shall include time lines and cover services provided
28 through school improvement, nonmigrant Title I, state
29 compensatory and limited- and non-English proficient, Title VII,
30 and other funds. If the application meets state and federal
31 requirements, negotiations for an appropriate service agreement
32 shall begin involving the parties listed in subdivision (a) or (b) of
33 Section 54444.1.

34 ~~SEC. 10.~~

35 *SEC. 7.* Section 54444.1 of the Education Code is amended to
36 read:

37 54444.1. (a) In implementing the state master plan for services
38 to migratory children, the Superintendent shall establish the service
39 regional system as the primary method for the delivery of services
40 to migratory children. The Superintendent shall review and approve

1 plans for the establishment of service regions and shall incorporate
2 the following criteria in the approval of regional plans:

3 (1) The boundaries of regions shall include all geographic areas
4 with migratory and seasonal agricultural workers and fishermen.

5 (2) Regional service centers shall be located in areas with high
6 concentrations of migratory and seasonal agricultural workers and
7 fishermen. Regional headquarters shall be located as follows:

8 (A) In areas requiring large numbers of these workers for a
9 period of at least two consecutive months during each year.

10 (B) In areas that normally contract for migratory and seasonal
11 agricultural workers with families rather than single adults.

12 (C) In areas where migratory and seasonal agricultural workers
13 are involved in the transition from hand labor to mechanization.

14 (3) Regions shall be located in each geographic area of the state,
15 except areas within the boundaries of directly funded districts.

16 (4) Except areas within the boundaries of directly funded
17 districts, regions shall be contiguous to one another and should
18 have no less than 1,500 migratory children. In no event shall a
19 county be split among two separate regions in order to meet the
20 requirements of this paragraph.

21 (5) Regions shall be organized so as to provide quality services
22 to all affected parties and maintain fiscal procedures in conformity
23 with requirements adopted by the department.

24 (6) The boundaries of regions shall be drawn in a manner that
25 avoids excessive commuting by personnel or by participants in
26 the programs, not to exceed 100 miles from the schoolsite to the
27 operating agency.

28 (7) If a proposed region cannot meet the criteria established in
29 paragraph (4) or (6), it may request that the criteria be waived by
30 the state board. The waiver request shall be based upon a study,
31 conducted by the entities, including their respective parent advisory
32 councils, comprising the proposed region, that explains why the
33 waiver is required and that describes likely outcomes if the waiver
34 is not granted.

35 (8) A written evaluation plan that describes how the operating
36 agency will measure annual pupil progress and the overall success
37 of its program in accordance with Section 54444.6. ~~The evaluation~~
38 ~~plan may include the examination of preassessment and~~
39 ~~postassessment results for migratory pupils participating in specific~~

1 ~~interventions such as special tutoring programs and reading and~~
2 ~~math interventions.~~

3 (b) (1) An agency meeting the criteria set forth in this
4 subdivision and subdivision (f) of Section 54441 may apply to the
5 department for designation as a region. The application shall be
6 in a format with sufficient information and at times designated by
7 the Superintendent. The application shall include documentation
8 of active participation, review and comment by the appropriate
9 parent advisory councils, and signatures by parent advisory council
10 chairpersons that the review and comment has taken place, and
11 shall further include documentation that the agencies and parent
12 representative comprising the proposed region have met as a group
13 before submission of the application and have agreed upon the
14 formation of, and participation in, the region and a general
15 delineation of the services that will be provided in the region.

16 (2) Directly funded districts shall be invited by the regions to
17 participate in regional activities and meetings. Staff and parent
18 advisory council members in the districts shall also be invited to
19 regional in service activities and conferences.

20 (c) The department may directly fund local educational agencies,
21 in whole or in part, to provide services to eligible migratory
22 children if it is cost effective to do so; if the applicant agency serves
23 not less than 1,500, nor more than 8,000, currently migratory
24 children; has sufficient programmatic and fiscal resources to deliver
25 an effective migrant education program; is in compliance with the
26 federal and state requirements regarding migrant education
27 programs; maintains an ongoing and functional parent advisory
28 council that has voted on a biennial basis to approve the
29 participation in the directly funded program, including the approval
30 of a majority of the members who are the parents of migratory
31 children, and is actively involved in the planning, review, and
32 improvement of the program; and maintains fiscal procedures in
33 conformity with the requirements adopted by the department. All
34 districts that are directly funded on January 1, 1982, may continue
35 to be funded directly, provided that the districts comply with the
36 criteria prescribed by this subdivision, except for the size criterion.

37 (d) (1) The responsibilities of the various parties involved in
38 the delivery of services to migratory children shall be set forth in
39 a service agreement. A service agreement shall be a legally binding
40 contract signed by the duly constituted authorities at the state,

1 county, district, or private or public nonprofit agencies, or a
2 combination thereof. In the regional delivery system, there shall
3 be two parties to every service agreement; the region and the
4 district or other operating agencies in which the eligible migratory
5 pupils are enrolled. When a district or agency is funded directly
6 by the state, the parties to the service agreement shall include the
7 department and the district or operating agency in which the
8 eligible migratory pupils are enrolled. The basic responsibilities
9 of these three parties shall be as specified in Section 54444.4.

10 (2) The parties, whether regional or directly funded, shall take
11 the necessary steps to ensure the effective involvement of the
12 migrant parent advisory council for that district or agency.
13 Representatives of the migrant parent advisory council shall be
14 present and participate in all deliberations between the parties
15 regarding the service agreement or any subsequent changes to the
16 service agreement. The service agreement shall include a signed
17 statement from the officers of the migrant parent advisory council
18 signifying that the participation has occurred.

19 (e) The Superintendent shall develop an annual operating
20 calendar for regions and directly funded districts, including dates
21 for the submission and approval of applications and service
22 agreements. Any changes in regional boundaries for the subsequent
23 fiscal year shall be made and approved by December 31 of the
24 current year. Any changes in funding allocations for regions shall
25 be made by December 31 of the current year or immediately after
26 notification of a federal grant award.

27 (f) The Superintendent shall preserve the supplemental nature
28 of the migrant education program. The program shall be maintained
29 outside the supervision or above the administrative level of the
30 consolidated application programs. The Superintendent shall not
31 incorporate the migrant education program into the consolidated
32 application process, except as provided below:

33 (1) Directly funded districts may apply for migrant education
34 funds as part of their consolidated application provided the district
35 parent advisory council on migrant education approves the
36 inclusion.

37 (2) A copy of the district's annual application for migrant
38 education funds as required by subdivision (i) of Section 54443.1
39 shall be attached to the district's annual consolidated application.

~~(g) The Superintendent may establish a regional directors' council comprised of project administrators from each of the operating agencies or directly funded school districts responsible for administering the migrant education program at the regional or district level. The regional directors' council may advise the department on matters relating to the implementation of the migrant education program as outlined in Section 54443.1. The regional directors' council shall not be consulted in lieu of the State Parent Advisory Council established pursuant to Section 54444.2. The State Parent Advisory Council shall be provided with copies of any written input provided by the regional directors in appropriate languages, and shall have the opportunity to participate, through a representative designated by the State Parent Advisory Council in all meetings between the regional directors' council and the department. Nothing in this subdivision shall be construed to undermine the role, purpose, or participation of the State Parent Advisory Council.~~

~~SEC. 11.~~

SEC. 8. Section 54444.2 of the Education Code is amended to read:

54444.2. (a) The Superintendent shall take the steps necessary to ensure effective parental involvement throughout the state migrant education program, which shall include, but need not be limited to, the following:

(1) The Superintendent shall adopt rules and regulations requiring each operating agency receiving migrant education funds or services to actively solicit parental involvement in the planning, operation, and evaluation of its programs through the establishment of, and consultation with, a parent advisory council.

(A) The membership of each parent advisory council shall be composed of members who are knowledgeable about the needs of migratory children, and shall be elected by the parents of migratory children enrolled in the operating agency's programs. The composition of the council shall be determined by the parents at a general meeting to which all parents of pupils enrolled in the migrant program shall be invited. Parents shall be informed, in a language they understand, that the parents have the sole authority to decide on the composition of the council. All parent candidates for the council shall be nominated by parents; nonparent candidates shall be nominated by the groups they represent: teachers by

1 teachers, administrators by administrators, other school personnel
2 by other school personnel, and pupils by pupils. All other
3 community candidates shall be nominated by the parents. Each
4 parent advisory council shall hold meetings on a regular basis
5 during the operation of the regular program, but not less than six
6 times during the year *for two consecutive days each time*.

7 (B) At least two-thirds of the members of each parent advisory
8 council shall be the parents of migratory children. Each parent
9 advisory council shall have the responsibilities listed in subdivision
10 (a) of Section 54444.4.

11 (2) (A) The Superintendent shall establish a statewide parent
12 advisory council that shall participate in the planning, operation,
13 and evaluation of the state migrant education program. The
14 membership of the statewide parent advisory council shall be
15 composed of members who are knowledgeable about the needs of
16 migratory children, and shall be nominated and elected by the
17 parents of migratory children enrolled in the operating agencies.
18 At least two-thirds of the members of the State Parent Advisory
19 Council shall be the parents of migratory children. ~~The~~

20 (B) (i) *The state council shall meet a minimum of nine times*
21 *per calendar year to provide input on issues relating to the operation*
22 *of the program.* ~~Special~~

23 (ii) *Additional meetings may be called by mutual agreement*
24 *between the Superintendent and the state director.*

25 (iii) *Special meetings may be called at the discretion of the state*
26 *director.*

27 (C) *All meetings of the statewide parent advisory council shall*
28 *be held pursuant to the Bagley-Keene Open Meeting Act (Article*
29 *9 (commencing with Section 11120) of Chapter 1 of Part 1 of*
30 *Division 3 of Title 2 of the Government Code).*

31 (3) (A) The Superintendent also shall sponsor an annual State
32 Parent Advisory Council Conference. The conference shall be
33 scheduled during the spring of every year.

34 (B) ~~The State Parent Advisory Council, with necessary technical~~
35 ~~assistance and support from the department,~~ *Council* shall prepare
36 and submit a report to the Legislature, the state board, the
37 Superintendent, and the Governor regarding the status of the
38 migrant education program. The report shall be submitted within
39 120 days from the conclusion of a training program on preparing

1 the report provided by the Superintendent in accordance with
2 paragraph (5).

3 (C) The report shall include an evaluation of the migrant
4 education program, as required pursuant to paragraph (2) of
5 subdivision (a), a review of annual needs and a yearend assessment,
6 as required pursuant to paragraph (2) of subdivision (a) of Section
7 54444.4, ~~a review of the aggregate data collected for migratory~~
8 ~~pupils pursuant to paragraph (2) of subdivision (a) of Section~~
9 ~~54444.4~~, and policy recommendations.

10 (4) The Superintendent and each operating agency shall furnish,
11 without charge, to the statewide and operating agency parent
12 advisory councils and, upon request, to each member, a copy of
13 all applicable state and federal migrant education statutes, rules
14 and regulations, and guidelines. In addition, the Superintendent
15 and each operating agency shall furnish, without charge, to the
16 statewide and operating agency parent advisory councils and, upon
17 request, to each member, copies of all applicable state and federal
18 audits, monitoring reports, and evaluations. Upon request and when
19 practicable, these documents shall be provided in a language
20 understandable to each member, and each regional and state
21 migrant education program plan shall be provided in a language
22 understandable to each member before its consideration for final
23 approval.

24 (5) The Superintendent and each operating agency shall establish
25 and implement training programs for members of the statewide
26 and operating agency parent advisory councils to enable them to
27 carry out their responsibilities. Each training program shall be
28 developed in consultation with the parent advisory councils, and
29 shall include appropriate training materials in a language
30 understandable to each member. Costs incurred in providing
31 training under this paragraph, including federally authorized
32 expenses associated with the attendance of members at training
33 sessions, shall be funded, to the extent that funds are available, by
34 federal funds allocated to the state, based upon the educational
35 and related health needs of migratory children defined in
36 subdivisions (a) and (b) of Section 54441, and may be supported
37 by funds from the state migrant education program.

38 (b) Each operating agency that provides services on a statewide
39 basis shall be exempt from the requirement that it create its own
40 parent advisory council, but shall consult the statewide parent

1 advisory council in the planning, operation, and evaluation of its
2 programs.

3 ~~SEC. 12. Section 54444.3 of the Education Code is amended~~
4 ~~to read:~~

5 ~~54444.3. (a) Each operating agency receiving Title I Migrant~~
6 ~~Education funding shall conduct summer school programs for~~
7 ~~eligible migratory children in kindergarten and grades 1 to 12,~~
8 ~~inclusive. The summer school programs shall respond to the~~
9 ~~individual needs of participating pupils and shall build on and be~~
10 ~~consistent with the instructional programs offered to these pupils~~
11 ~~during the regular school year. Each summer school program shall~~
12 ~~be funded, to the extent that funds are available, by federal funds~~
13 ~~earmarked for migrant education programs, and shall meet the~~
14 ~~following time requirements:~~

15 ~~(1) For kindergarten classes, not less than 180 minutes per day,~~
16 ~~based upon the full apportionment day of 240 minutes, including~~
17 ~~recesses, for not less than 20 teaching days.~~

18 ~~(2) For grades 1 to 8, not less than 200 minutes per day, based~~
19 ~~upon the full apportionment day of 240 minutes, including recesses~~
20 ~~and passing time but excluding noon intermissions, for not less~~
21 ~~than 20 teaching days.~~

22 ~~(3) For grades 7 to 12, not less than 240 minutes per day,~~
23 ~~including passing time but excluding noon intermissions, for not~~
24 ~~less than 30 teaching days.~~

25 ~~(b) Exemptions from the requirements of subdivision (a) may~~
26 ~~be made by the Superintendent upon petition submitted to him or~~
27 ~~her by the district. The basis for the exemption shall be agricultural~~
28 ~~labor factors, climatic conditions, specialized educational programs,~~
29 ~~and other conditions appearing to the Superintendent to warrant~~
30 ~~exemption.~~

31 ~~(c) For purposes of subdivision (a), holidays designated in~~
32 ~~Section 37220 other than Saturday and Sunday may be deducted~~
33 ~~from the required number of teaching days.~~

34 ~~SEC. 9. Section 54444.3 of the Education Code is amended to~~
35 ~~read:~~

36 ~~54444.3. (a) Each operating agency receiving Title I Migrant~~
37 ~~Education funding shall conduct summer school programs for~~
38 ~~eligible migrant migratory children in kindergarten and grades 1~~
39 ~~to 12, inclusive. The summer school programs shall respond to the~~
40 ~~individual needs of participating pupils and shall build on and be~~

1 consistent with the instructional programs offered to these pupils
2 during the regular school year. Each summer school program shall
3 be funded, to the extent that funds are available, by federal funds
4 earmarked for migrant education programs, and shall meet the
5 following criteria:

6 (1) (A) That summer school programs meet the following time
7 requirements:

8 ~~(A)~~

9 (i) For kindergarten classes, not less than 180 minutes per day,
10 based upon the full apportionment day of 240 minutes, including
11 recesses, for not less than 20 teaching days.

12 ~~(B)~~

13 (ii) For grades 1 to 8, not less than 200 minutes per day, based
14 upon the full apportionment day of 240 minutes, including recesses
15 and passing time but excluding noon intermissions, for not less
16 than 20 teaching days.

17 ~~(C)~~

18 (iii) For grades 7 to 12, not less than 240 minutes per day,
19 including passing time but excluding noon intermissions, for not
20 less than 30 teaching days.

21 **Exemptions**

22 (B) *Exemptions* from the requirements of this paragraph may
23 be made by the Superintendent of Public Instruction upon petition
24 submitted to him or her by the district. The basis for the exemption
25 shall be agricultural labor factors, climatic conditions, specialized
26 educational programs, and other conditions appearing to the
27 ~~superintendent~~ Superintendent to warrant exemption.

28 ~~For~~

29 (C) *For* purposes of this paragraph, holidays designated in
30 Section 37220 other than Saturday and Sunday may be deducted
31 from the required number of teaching days.

32 (2) That the program has been established with the prior written
33 approval of the ~~superintendent~~ Superintendent based upon the
34 submission of an application ~~which~~ that is in the form prescribed
35 and furnished by the ~~superintendent~~ Superintendent. Each
36 application shall designate the persons who will exercise
37 administrative or supervisory responsibilities for the summer
38 school program and shall be submitted ~~prior to~~ before the
39 establishment of the summer school program.

1 (3) That the summer school program contains coursework ~~which~~
2 *that* is of the same level of difficulty in each subject as that
3 provided to pupils enrolled in regular classes of instruction within
4 the school district in the preceding year.

5 (4) That instructional programs are taught by staff with cultural
6 training or background and understanding of the special needs of
7 ~~migrant~~ *migratory* children, and who are properly credentialed for
8 the subjects and grade levels to which they are assigned.

9 (5) That the summer school program supplements other summer
10 school programs, whether required or optional and whether
11 federally or state funded, operated by the school district, including
12 the programs for graduating high school seniors, handicapped
13 children, pupils enrolled in grade 11, pupils enrolled in grades 7
14 to 12 who do not meet the district's adopted proficiency standards,
15 and eligible compensatory education pupils.

16 (b) (1) Each school district, county office of education, and
17 community college district shall, upon request, make facilities
18 available at cost for the operation of migrant summer school
19 programs whenever they are available. Where available, these
20 facilities shall be suitable for the summer climate. The
21 ~~superintendent~~ *Superintendent* may allow neighboring districts to
22 jointly offer facilities if he or she determines that the use of one
23 district's facilities for an area will adequately meet the needs of
24 the migrant summer school program for the entire area.

25 If

26 (2) ~~If the Superintendent of Public Instruction~~ determines that
27 requests from prospective users of these facilities were denied
28 without just cause, the ~~superintendent~~ *Superintendent* shall reduce
29 the district's or county superintendent's entitlement from Section
30 A of the State School Fund by an amount equal to one thousand
31 dollars (\$1,000) or four times the costs to the prospective user for
32 alternative facilities for the entire period for which the facilities
33 were requested, whichever is greater.

34 ~~SEC. 13.~~

35 *SEC. 10.* Section 54444.4 of the Education Code is amended
36 to read:

37 54444.4. (a) The responsibilities of parent advisory councils
38 at the district, regional, and state levels shall include, but are not
39 limited to, all of the following:

1 (1) The establishment of migrant education program goals,
2 objectives, and priorities.

3 (2) The review of annual needs and yearend assessment, as well
4 as program activities, for each school, ~~a review of the aggregate~~
5 ~~data collected for migratory pupils at school, school district,~~
6 ~~regional, and state levels, as set forth in the state master plan~~
7 ~~developed under Section 54442,~~ and a review of individualized
8 educational plans to ensure that plans are developed and
9 implemented in compliance with state and federal requirements.

10 (3) Advice on the selection, development, and reassignment of
11 migrant education program staff.

12 (4) Active involvement in the planning and negotiation of
13 program applications and service agreements required under
14 Section 54444.1.

15 (5) All other responsibilities required under state and federal
16 laws or regulations.

17 (b) The responsibilities of the school districts or other agencies
18 operating programs for migratory pupils include, but are not limited
19 to, all of the following:

20 (1) Providing services in compliance with applicable state and
21 federal laws or regulations.

22 (2) Providing information to parents.

23 (3) Providing support to instructional staff.

24 (c) The responsibilities of the region include, but are not limited
25 to, the following:

26 (1) Providing funding to operating agencies within its
27 jurisdiction in accordance with service agreements.

28 (2) Providing technical assistance to operating agencies
29 operating under service agreements.

30 (3) Providing interagency coordination to improve the services
31 available to participating migratory pupils.

32 (4) ~~Providing training, support services,~~ *training* and technical
33 assistance to the parents and members of school district, regional,
34 and school parent advisory councils to assist them in fulfilling
35 their roles and responsibilities.

36 (5) Providing or arranging for staff development services for
37 migrant education staff at the school and district levels.

38 (6) Providing direct services required pursuant to a service
39 agreement entered into by the region.

(d) The responsibilities of the state board and the department shall be as set forth in the State Master Plan for Migrant Education developed under Section 54442.

~~SEC. 14.~~

SEC. 11. Section 54444.6 is added to the Education Code, to read:

54444.6. A local educational agency and region receiving funds for the provision of services to migratory children, as part of its refunding application, shall include an evaluation of the overall program effectiveness for the prior year that includes all of the following:

(a) Deficiencies in academic achievement of migratory children as compared to nonmigratory children.

(b) Identification of, and provision of services to, migratory children in the geographic area served by the district, agency, or region, including out-of-school migratory youth and children and youth enrolled in alternative and court-supervised school placements.

(c) Enrollment in preschool and kindergarten.

(d) Access to, enrollment in, and completion of courses that fulfill the A-G subject area requirements.

(e) Dropout prevention and intervention.

(f) Retention.

(g) Truancy and pupil discipline including suspension, expulsion, and actions resulting in disciplinary transfer or referral to a school attendance review board.

(h) Vocational education opportunities.

(i) Graduation, including completion of the high school exit examination.

(j) Postsecondary education enrollment.

(k) Health services.

(l) Intersession programs.

(m) Other supplemental services.

(n) Staff experience and quality.

(o) Data collection and evaluation.

(p) Records of transfer.

(q) Parental involvement, including establishment of, and participation in, the parent advisory council, conduct of regular meetings, participation in the development and approval of the

- 1 local migrant education plan, participation in State Parent Advisory
- 2 Council activities, and parent training.

O